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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,482	09/20/2000	Peter H. I. Kim	412342-2	8575

7590 10/06/2003
 Brian M Berliner
 O'Melveny & Myers LLP
 400 South Hope Street
 Los Angeles, CA 90071-2899

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
3622	

3622

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/665,482	Applicant(s) Kim
Examiner John Young	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Sep 20, 2000
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

[Handwritten signature]
9-30-03

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FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-28 are rejected under 35 U.S.C. §103(a) as being obvious over Olivier US 6,480,885 (11/12/2002) [US f/d: 4/25/2000] (herein referred to as "Olivier").

As per claim 1, Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) shows "A method of providing remote users with a centralized polling environment, comprising the steps of: creating polls; archiving said polls in a storage area; searching said archived polls to provide a selected set of said polls; placing one of said selected polls in a web page; delivering said Web page to permit user viewing and interaction with said one of selected polls; and building a profile for one of said users based on said interaction."

Olivier lacks an explicit recitation of "A method of providing remote users with a centralized polling environment. . . ." even though Olivier reasonably suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) would have been modified and selected in accordance with "A method of providing remote users with a centralized polling environment. . . ." because such modification/selection of the disclosure of Olivier would have provided means for "*creating high quality interactions within electronic forms.*" (See Olivier (col. 3, ll. 3-4)).

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As per claims 2-14, Olivier shows the elements and limitations of claim 1 and subsequent claims depending from claim 1.

Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) suggests the elements and limitations of claims 2-14.

Olivier lacks an explicit recitation of the elements and limitations of claims 2-14 even though Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-14 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 16-28 in accordance the selected/modified disclosure of Olivier, because such selection/modification of the disclosure of Olivier would have provided the motivation of “*creating high quality interactions within electronic . . . [forums].*” (See Olivier (col. 3, ll. 3-4)).

As per claim 15, Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) suggests “A computer-implemented system for delivering information to users, comprising: an application server connected to a network, said application server coupled to a database comprising an archive of polls, said application server being responsive to requests from a user computer of said network

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for particular polls from said database; a Web host connected to said network and comprising a Web server and a second database, said Web server being responsive to request messages from a user computer for a particular Web page to thereby deliver said particular Web page selected from said second database to said user computer, said particular Web page containing a reference link to polls archived said first database; and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls; archiving said new polls in said first database; searching said archived polls based on predefined search criteria to provide a selected set of said polls; placing one of said selected polls in a Web page; delivering said Web page to permit user viewing and interaction with said one of selected polls; and building a profile for one of said users based on said interaction with said one of selected polls; and building a profile for one of said users based on said interaction.”

Olivier lacks an explicit recitation of “building a profile for one of said users based on said interaction with said one of selected polls; and building a profile for one of said users based on said interaction. . . .” even though Olivier reasonably suggests same said interaction

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) would have been modified and selected in accordance with “building a profile for one of said users based on said

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interaction with said one of selected polls; and building a profile for one of said users based on said interaction. . . .” because such modification/selection of the disclosure of Olivier would have provided means for “*creating high quality interactions within electronic forms.*” (See Olivier (col. 3, ll. 3-4)).

As per claims 16-28, Olivier shows the elements and limitations of claim 15 and subsequent claims depending from claim 15.

Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) suggests the elements and limitations of claims 16-28.

Olivier lacks an explicit recitation of the elements and limitations of claims 2-14 even though Olivier (col. 19, ll. 40-55; FIG. 2; FIG. 3; FIG. 3B; FIG. 4; FIG. 5A; 1; FIG. 5B; FIG. 21; and whole document) suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 16-28 were well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 16-28 in accordance with the selected/modified disclosure of Olivier, because such selection/modification of the disclosure of Olivier would have provided the motivation of “*creating high quality interactions within electronic . . . [forums].*” (See Olivier (col. 3, ll. 3-4)).

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CONCLUSION

3. Any response to this action should be mailed to:

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Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist

Crystal Park V

2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner concerning this should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The John L. Young examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

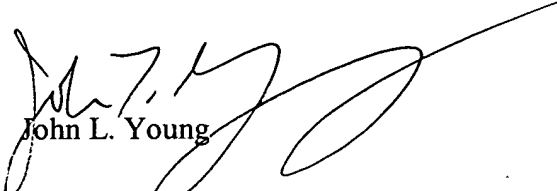
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

September 30, 2003